THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.828 of 2006

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DATED: 04-01-2006

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Between:

P.Manohar Reddy and others . . .Petitioners

and

The Industrial Tribunal-cum-Labour Court,

Warangal, and others . . .Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION (SR) No.828 of 2006

O R D E R:

The petitioners challenge the award, dated 16-09-2005, in I.D.No.62 of 2005 on

the file of the Industrial Tribunal-cum-Labour Court, Warangal. Through the said award, the Labour Court dismissed the I.D. on the ground that the petitioners herein cannot maintain a single I.D. under Section
2-A(2) of the Industrial Disputes Act (for short “the Act”), and that they shall have to raise individual disputes.

Learned counsel for the petitioners submits that apart from taking an objection as to the maintainability of the industrial disputes at the instance of 26 persons, the Labour Court made several observations to the effect that the petitioners have not made out a case. He contends that such an observation would come in the way, in case the petitioners raise individual disputes.

Heard the learned counsel for the petitioners and the learned Government Pleader for Labour.

To the extent that the Labour Court rejected the I.D. on the ground that the petitioners herein cannot raise a common dispute under Section
2-A(2) of the Act, no exception can be taken. The remedy provided for under Section 2-A(2) of the Act is personal to the workmen and it is only the individual workman that can raise an industrial dispute complaining termination. Instances are not lacking, where a union can raise such a dispute on behalf of a group of persons. However, it is impermissible in law for individuals to join together and maintain a common industrial dispute. The objection raised by the Labour Court is sustained.

In paragraph ‘6’ of its award, the Labour Court observed that the petitioners did not adduce any oral evidence and they did not produce any documentary evidence to say that they have worked in the first respondent Corporation through Contractors. When the I.D. is rejected as not maintainable, such observations would come in the way of the petitioners raising individual disputes. Therefore, to the extent the Labour Court made observations, deserve to be set aside.

For the foregoing reasons, the writ petition is disposed of, directing that it shall be open to the petitioners to raise individual disputes, if it is otherwise permissible in law, and the observations made by the Labour Court as to the lack of evidence on the part of the petitioners shall not be treated as final. As and when such disputes are raised, they shall be decided on their own merits.

There shall be no order as to costs.

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(L.NARASIMHA REDDY, J)

4th JANUARY, 2006.

Note: furnish c.c. in three days.

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